

**Nurses—Certificate of Registration—Registration Laws  
—Revocation—Offenses—Illness.**

The laws of Montana give no authority for the revocation of the certificate of a registered nurse on the grounds of illness unless it results in incompetency.

Miss Edith L. Brown,

June 23, 1931.

Director, Nursing Education,  
State Board of Health,  
Helena, Montana.

My dear Miss Brown:

You have requested an opinion as to what measures can be taken to enforce the Montana registration laws for nurses.

You are advised that under code section 3214 you have the offenses and penalties set out, and in a case where there is a violation of the act you should consult the county attorney of the county, and if advised by him that the offense has been committed, follow his direction as to filing a complaint before a justice of the peace or have the county attorney do it.

You also request an opinion as to what legal procedure to take regarding the revocation of a certificate of registration of a nurse who is an acknowledged victim of grand mal epilepsy.

The provisions for the revocation of a certificate are contained in code section 3216, and the grounds on which a certificate may be revoked are as follows: dishonesty, gross incompetence, a habit rendering a nurse unsafe or unfit to care for the sick, or any conduct or act derogatory to the morals or standing of the profession of nursing, or any wilful fraud or misrepresentation practiced in securing such certificate. Nowhere is good health made a condition to obtaining a certificate, nor the lack of good health made grounds for the revocation of a certificate.

We are unable to advise you that you have any authority to revoke a certificate in the case mentioned unless grand mal epilepsy can be held to render the nurse grossly incompetent which would be a medical rather than a legal question.

Very truly yours,

L. A. FOOT,  
Attorney General.